

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANGELO WISE,

Petitioner,

Case No. 2:13-cv-10360

Hon. Paul D. Borman

v.

MARY BERGHUIS,

Respondent.

**ORDER DENYING PETITIONER'S MOTION FOR APPOINTMENT OF
COUNSEL [DKT. 33]**

On January 29, 2013, Petitioner Angelo Wise, a state inmate, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. On May 27, 2015, after Petitioner alleged that he discovered new evidence supporting new unexhausted claims, the Court granted Petitioner's motion to stay the case so that he could pursue relief in the state courts. On October 29, 2015, the Court granted Petitioner's motion to extend time to file his post-conviction review proceeding in the state trial court. Pending before the Court is Petitioner's motion to appoint counsel. [Dkt. 33]. Petitioner asserts that he requires counsel to assist him in pursuing his state court remedies.

The constitutional right to counsel in criminal proceedings provided by the Sixth Amendment does not apply to an application for writ of habeas corpus or during state collateral proceedings. *Cobas v. Burgess*, 306 F.3d 441, 444 (6th Cir. 2002), cert.

denied, 538 U.S. 984 (2003), reh. denied, 539 U.S. 970 (2003); *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987). The current action is being held in abeyance, and the Court finds that whether Petitioner merits appointment of counsel in the state courts to assist him during his state post-conviction proceeding is a matter for the state courts to decide. Petitioner's motion for appointment of counsel is therefore **DENIED**.

SO ORDERED.

s/Paul D. Borman
Paul D. Borman
United States District Judge

Dated: February 13, 2018

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 13, 2018.

s/Deborah Tofil
Case Manager